

TOWN OF FENWICK ISLAND, DELAWARE

Minutes of the March 28, 2014, Regular Council Meeting

Call to Order and Flag Salute at 3:30 p.m. by Mayor Serio

Council in Attendance: Gene Langan, Diane Tingle, Bill Weistling, Audrey Serio, Gardner Bunting, Todd Smallwood and Roy Williams

Staff in Attendance: Town Manager Burke, Building Official Schuchman, Town Clerk Poole, Chief Boyden and Public Works Department Supervisor Reed

PRESIDENT'S REPORT

- Mayor Serio stated that spring is finally here and that yard waste collection will start the first week of April. Everyone will start to see new things happening around Town as we get ready for the summer season.

TOPICS FOR DISCUSSION AND POSSIBLE ACTION

- **Fenwick Island Oyster Fest Request** – General Manager Molly Thomas read a request for an Oyster Festival to be held at the Ropewalk Restaurant on April 26 from 1 p.m. to 9 p.m. The request letter was included in the Council package.

Motion – Motion made by Council Member Langan to approve the Ropewalk request for the outside Oyster Festival.

Second – Council Member Bunting

Discussion – none

Vote – (7-0)

- **2014 Beach Service Bid** – Town Manager Burke stated that one bid was received from Steen's Beach Service for \$3,212.00. Bid documents were reviewed and Council awarded the contract to Steen's Beach Service for the 2014 season with the option for a one-year extension.
- **Motion** – Motion made by Council Member Bunting to accept the bid.

Second – Council Member Smallwood

Discussion – none

Vote – (7-0)

- **2014 Solid Waste Disposal and Collection Bid** – Town Manager Burke stated that the Town received five (5) bids from local companies. Chesapeake Waste Industries LLC was the low bid at \$11.70 per unit. Council reviewed the bids and awarded the bid to Chesapeake Waste for the Contract term of 16 months.

Motion – Motion made by Council Member Tingle to accept the bid from Chesapeake Waste Industries LLC.

Second – Council Member Smallwood

Discussion – none

Vote – (7-0)

- **Municipal Limousine Operator Bid** – Town Manager Burke stated that no bids were received.

Motion – No action taken

- **Freedom of Information Act (FOIA)** – Town Manager Burke reported that Council received the revised FOIA form pursuant to the Delaware Freedom of Information Act (29 Del. C. ch. 100). Town Manager Burke read a Resolution into the record (drafted by legal counsel). If approved, the new form will be posted on the Town website.

Motion – Motion made by Council Member Weistling to approve the Resolution for the revised FOIA form responding to Freedom of Information Act requests.

Second – Council Member Tingle

Discussion – Council Member Weistling stated that he researched the origination of the current FOIA fee and that he believed that the fee was the normal amount charged for copying documents and not something deliberate.

Vote – (7-0)

- **Beach Signage** – Public Works Supervisor Reed asked Council to discuss the merits of wooden versus metal beach signage. He stated that he has received several complaints that the wooden sign are difficult to see at night, especially after a rain. The metal signs do have reflective paint, but give a different look to the natural setting on the dunes. Supervisor Reed was looking for recommendations from Council as to which signage they would like on the beach for the 2014 season.

Motion – Motion made by Council Member Weistling to use the metal signage for the 2014 season.

Second – Council Member Bunting

Discussion – Council Member Bunting stated that the wooden signs are difficult to read as the season goes on, especially when they are wet. He suggested to Supervisor Reed to bring the wooden signs in to the public works building and have the employees work on them over the winter. Council Member Smallwood suggested getting a quote to replace the wooden signs.

Vote – (6-0-1) opposed Council Member Williams

- **Cannon Street Park request** – Town Manager Burke stated that the Town has received two (2) requests from local water sport businesses to launch kayaks and other water crafts from the dock at Cannon Street Park. The Park will officially open on April 7th and this would be a good time to talk about the park usage and rules.

Motion – Motion made by Council Member Tingle to not allow commercial usage at Cannon Street Park.

Second – Council Member Bunting

Discussion – Council Member Weistling stated that the Cannon Street Park should be for the public and not for commercial ventures. He also stated that the park's ordinance (in reference to a park zone), designates Cannon Street Park outside a commercial zone. Mayor Serio noted that according to the State of Delaware, when the property was purchased there were no restrictions. The other concern voiced by Council members would be the potential parking issue. Council Member Bunting pointed out that if a commercial vendor used Cannon Street Park, they would utilize all the parking spaces and this would be an issue for the residents.

Vote – (6-0-1) abstained Council Member Smallwood

Approval of Minutes: Motion made by Council Member Weistling to approve the February 21, 2014, minutes

Second - Council Member Smallwood

Discussion - none

Vote: (7-0)

TREASURER'S REPORT

Council Member Bunting stated that he has reviewed the finances and the Town is within the FY 2014 Operating Budget. Town staff is preparing documents for the FY 2015 Financial Plan meetings.

Motion – Motion made by Mayor Serio to accept the Treasurer's report.

Second – Council Member Weistling

Discussion – None

Vote: (7-0)

TOWN MANAGER'S REPORT

- **Cannon Street Park (\$70,000 DNREC grant, 50% match)**
 - The parking area will be completed by April 4th. Cannon Street Park will officially open on Monday, April 7th.
- **Town Hall Rain Garden project (DNREC grant, no match)**
 - DNREC will design and install the rain garden in front of Town Hall.
- **Town Hall Sidewalk Improvement project (funded by Municipal Street Aid)**
 - The project was completed on time and within budget.
- **Town Striping project**
 - Clean Cut pavers was the low bid and will commence striping on Monday, March 31st, weather dependent.
- **Information Technology (FY 14 Capital Improvement Budget project)**
 - Town management is continuing website design upgrades and researching online purchasing for future transactions.
- **Emergency Fuel Tank project (\$5,000 FEMA grant, no match)**
 - The project will be finished by April 4th. The final budget report is due by June 30, 2014.
- **Records Retention**
 - No progress this month.
- **American Lung Association (\$2,280 grant, no match)**
 - All items have been purchased except for the cigarette receptacles.
- **Drainage / Stormwater projects (2014 projects)**
 - W. Dagsboro Street – DNREC approved the grant application to improve drainage and increase water quality.
 - Bay Street and Schultz Road – Town management is working with the Sussex Conservation District (SCD) on installing a new drainage system on Schultz Road. The work should take up to three (3) working days and be completed by Friday, April 4th, weather dependent.
- **Grant Funding (approved)**
 - DNREC Surface Water Matching Planning Grant (\$22,000, 50% match) - The grant would pay for 50% of the W. Dagsboro Street drainage engineering expenses.
 - Delaware Forestry Grant for tree plantings (\$2,116, 50% match) - Town management received grant approval from DDA officials. Lord's Landscaping will complete the project no later than April 30th.

Bids / RFPs

- No bids were received for the Municipal Limousine Operator (MLO) service.

- Steen's Beach Service submitted a bid for \$3,212.00 for the 2014 Beach Service Contract (only bid).
- Chesapeake Waste Industries submitted a bid of \$130,478.40 (\$11.70 per unit) for the Contract period commencing on May 1, 2014, through August 31, 2015. The current solid waste disposal and collection fee is \$11.75 per unit.

DEPARTMENT REPORTS

- **Building Official** – The February report was included in the Council meeting packet. In February the Town issued five (5) outside contractor's licenses, two (2) resident merchant licenses, and seven (7) renters' licenses. Building Official Schuchman provided information regarding H.R.3370 – Homeowner Flood Insurance Affordability Act of 2013 and an article about a bill blocking large flood insurance premium increases sent to White House were included in the Council packet and noted they are also available on the Town's website.
- **Public Works** – The report was included in the Council meeting packet.
- **Beach Patrol** – The report was included in the Council meeting packet.
- **Police** – The report was included in the Council meeting packet. Chief Boyden mentioned the seasonal police clerk position is open and will be accepting applications until April 14. Chief Boyden also introduced PFC Stephen Lowe as a new patrol officer in Town.

TOWN COMMITTEE REPORTS

- **Charter & Ordinance** – Council Member Weistling
 - Chapter 160-5A(8) – Zoning – Farmers' Market – (Second Reading)
Motion – Motion made by Council Member Weistling to approve the 2nd reading of Chapter 160-5A(8) – Zoning – Farmers' Market
Second - Council Member Bunting
Discussion - none
Vote - (7-0)
 - Chapter 160-2B – Zoning – Definition and word use – (First Reading)
Motion – Motion made by Council Member Weistling to approve the First Reading Chapter 160-2B – Zoning – Definition and word use
Second – Council Member Tingle
Discussion - none
Vote – (7-0)
 - Chapter 160-8A – (Zoning) – General regulations; exceptions – (First Reading)
Motion – Motion made by council Member Weistling to approve the First Reading Chapter 160-8A – (Zoning) – General regulations; exceptions
Second – Council Member Tingle
Discussion – none
Vote – (7-0)
 - **Charter & Ordinance** – Council Member Weistling stated that in the last meeting the Committee discussed the additional parking hang tags for residents. The concern was that authorizing multiple hang tags could be a problem. Also with multiple hang tags in the market place, there could be a possibility of abuse and fraud. Council Member Bunting said that the town staff had already ordered the tags for the summer season with single permits for residents and extra permits for anyone interested at \$50 each. Town staff, per the recommendation by the Ad Hoc Parking

Committee, changed the material of the hang tag and added a hologram which cannot be duplicated by a computer. The parking issues will be revisited by the Committee in October.

- **Beach** – No report
- **Environmental** – Chair Mary Ellen Langan reported that the March 20th meeting was canceled. The next meeting will be April 10th. The Committee would like to start an Environmental Speaker Series where speakers would present information for thirty (30) minutes before monthly Council meetings.
- **Technology** – Chair Gene Langan stated the Committee would be researching an emergency notification system for residents. Town Manager Burke and Chief Boyden are researching emergency systems including software utilized by local towns. The next Committee meeting is on June 9th.
- **Ad hoc Parking** – Chair Gardner Bunting reported that the next meeting is April 3rd at 10:00 a.m.
- **Planning Commission** – Town Manager Burke read the report included in the Council meeting packet.
- **Old Business** – None
- **New Business** – Council Member Weistling stated that in yesterday's *Wilmington News Journal*, Delmarva Power had partnered with Arbor Day Foundation to give away 2,000 trees. A website link was provided to enter home coordinates and tree locations. Delmarva Power officials will review a homeowner's request and recommend appropriate trees. The information is posted on the Town website.

PUBLIC PARTICIPATION

- Buzz Henifin – 48 Windward Way – Mr. Henifin liked the wooden signage and liked the option of looking at different materials. He also liked the option for utilizing parking stickers instead of selling additional blue hang tag permits. Council Member Bunting said that Town Clerk Poole will continue to research parking permit options.
- Mary Ellen Langan – 5 King St. – Cannon Street Park looks great except for the trash floating in the water. Could the town put a container at Cannon Park for trash?
- Lynn Andrews – 1205 Schultz Rd. – In reference to the kayak launch, Mrs. Andrews was in opposition to commercial tours. She stated that there are fifteen (15) members that belong to the Fenwick Island Yacht Club and they would like to utilize the launch. Mayor Serio stated that Town Manager Burke should be notified if large groups would be using the launch. Town Manager Burke said he would work with Chief Boyden on issues surrounding crowding at the Park.
- Mike Quinn – 5 W. Houston – If the Town Council decides to change the beach signage to the metal signs then Council should change the poles as well. Public Works Supervisor Reed stated that the current poles are sufficient for wooden or metal signage.

UPCOMING MEETINGS AND EVENTS

Mayor Serio announced the following upcoming meetings and events as follows:

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|------------|------|------|---------------------------------|
| • March 4 | 9:30 | a.m. | Charter & Ordinance meeting |
| • March 11 | 2:30 | p.m. | Planning Commission meeting |
| • March 20 | 2:30 | p.m. | Environmental Committee meeting |
| • March 28 | 3:30 | p.m. | Regular Council meeting |

APPROVED
4/25/2014

- April 3 10:00 a.m.

Ad Hoc Parking Committee meeting

Motion to adjourn – Council Member Weistling

Second – Council Member Tingle

Discussion - None

Vote – (7-0)

Meeting adjourned at 4:40 p.m.

**Transcribed by Linda Poole, Town Clerk
for Council Member Diane Tingle, Secretary*